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13 Apple Inc.

14  
15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN JOSE DIVISION  
18

19 COREPHOTONICS, LTD.,  
20 Plaintiff,  
21 v.  
22 APPLE INC.,  
23 Defendant.

Case No. 3:17-cv-06457-JD

**FIRST AMENDED ANSWER TO FIRST  
AMENDED COMPLAINT**

**DEMAND FOR JURY TRIAL**

Original Complaint Filed:  
November 6, 2017



**FIRST AMENDED ANSWER**

1  
2 1. Defendant Apple Inc. (“Apple”), hereby answers the First Amended Complaint filed  
3 by Plaintiff Corephotonics, Ltd. (“Corephotonics”). Each allegation not expressly admitted is denied.  
4 The following numbered paragraphs of this Answer correspond to the numbered paragraphs in the  
5 First Amended Complaint, other than with respect to the affirmative defenses, counterclaims, jury  
6 demand set forth herein, and the Prayer for Relief.

**NATURE OF THE ACTION**

7  
8 2. Apple admits that this purports to be a civil action for patent infringement under 35  
9 U.S.C. § 1, et seq.

10 3. Apple admits that U.S. Patent No. 9,402,032 (the “’032 patent”) is entitled “Miniature  
11 Telephoto Lens Assembly.” Apple further admits that the face of the ’032 patent indicates that it  
12 issued on July 26, 2016. Apple further admits that the face of the ’032 patent indicates that  
13 Corephotonics was the assignee of the patent on the date of issuance, but Apple is without sufficient  
14 information to admit or deny whether Corephotonics is the legal owner of the ’032 patent. Apple  
15 further admits that Exhibit A is a copy of the ’032 patent. Except as expressly admitted, Apple denies  
16 the remaining allegations in paragraph 3.

17 4. Apple admits that U.S. Patent No. 9,568,712 (the “’712 patent”) is entitled “Miniature  
18 Telephoto Lens Assembly.” Apple further admits that the face of the ’712 patent indicates that it  
19 issued on February 14, 2017. Apple further admits that the face of the ’712 patent indicates that  
20 Corephotonics was the assignee of the patent on the date of issuance, but Apple is without sufficient  
21 information to admit or deny whether Corephotonics is the legal owner of the ’712 patent. Apple  
22 further admits that Exhibit B is a copy of the ’712 patent. Except as expressly admitted, Apple denies  
23 the remaining allegations in paragraph 4.

24 5. Apple admits that U.S. Patent No. 9,185,291 (the “’291 patent”) is entitled “Dual  
25 Aperture Zoom Digital Camera.” Apple further admits that the face of the ’291 patent indicates that  
26 it issued on November 10, 2015. Apple further admits that the face of the ’291 patent indicates that  
27 Corephotonics was the assignee of the patent on the date of issuance, but Apple is without sufficient  
28 information to admit or deny whether Corephotonics is the legal owner of the ’291 patent. Apple

1 further admits that Exhibit C is a copy of the '291 patent. Except as expressly admitted, Apple denies  
2 the remaining allegations in paragraph 5.

3 6. Apple admits that U.S. Patent No. 9,538,152 (the "'152 patent") is entitled "High  
4 Resolution Thin Multi-Aperture Imaging Systems." Apple further admits that the face of the '152  
5 patent indicates that it issued on January 3, 2017. Apple further admits that the face of the '152 patent  
6 indicates that Corephotonics was the assignee of the patent on the date of issuance, but Apple is  
7 without sufficient information to admit or deny whether Corephotonics is the legal owner of the '152  
8 patent. Apple further admits that Exhibit D is a copy of the '152 patent. Except as expressly admitted,  
9 Apple denies the remaining allegations in paragraph 6.

10 7. Apple denies the allegations in paragraph 7.

#### 11 **THE PARTIES**

12 8. Apple is without sufficient information to admit or deny the allegations in paragraph 8  
13 and therefore denies them.

14 9. Apple admits that Apple is a corporation organized and existing under the laws of the  
15 State of California. Apple denies that its principal place of business is 1 Infinite Loop, Cupertino,  
16 California. Apple's principal place of business is One Apple Park, Cupertino, California.

#### 17 **JURISDICTION AND VENUE**

18 10. Apple admits that based on the allegations in the First Amended Complaint, this Court  
19 would appear to have subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and  
20 1338(a).

21 11. Apple admits that it is subject to this Court's personal jurisdiction for the purposes of  
22 this action. Apple admits that it resides in and has its principal place of business in the Northern  
23 District of California. Apple denies that it has committed any acts of patent infringement. Apple  
24 admits that it has sold and offered for sale Apple products and services in the Northern District of  
25 California. Except as expressly admitted, Apple denies the remaining allegations in paragraph 11.

26 12. Apple admits that venue is proper in the Northern District of California for the purposes  
27 of this action. Apple admits that it resides in and has a place of business in this District. Apple denies  
28

1 that it has committed any acts of patent infringement. Except as expressly admitted, Apple denies the  
2 remaining allegations in paragraph 12.

### 3 **INTRADISTRICT ASSIGNMENT**

4 13. Apple admits that Civil L.R. 3-2(c) states that cases involving “Intellectual Property  
5 Rights” are assigned on a district-wide basis. Except as expressly admitted, Apple denies the  
6 remaining allegations in paragraph 13.

### 7 **FACTUAL ALLEGATIONS**

#### 8 **A. Corephonics’ Alleged Dual Camera Technology Innovations**

9 14. Apple is without sufficient information to admit or deny the allegations in paragraph  
10 14 and therefore denies them.

11 15. Apple is without sufficient information to admit or deny the allegations in paragraph  
12 15 and therefore denies them.

13 16. Apple is without sufficient information to admit or deny the allegations in paragraph  
14 16 and therefore denies them.

15 17. Apple is without sufficient information to admit or deny the allegations in paragraph  
16 17 and therefore denies them.

17 18. Apple admits that certain United States patents appear to be assigned to Corephonics,  
18 including the ’032, ’712, ’291, and ’152 patents (collectively, the “Asserted Patents”). Apple is  
19 without sufficient information to admit or deny the remaining allegations in paragraph 18 and therefore  
20 denies them.

21 19. Apple admits that the web site cited in Footnote 1 contains the first quotation listed in  
22 paragraph 19. Apple is without sufficient information to admit or deny the remaining allegations in  
23 paragraph 19 and therefore denies them.

24 20. Apple is without sufficient information to admit or deny the allegations in paragraph  
25 20 and therefore denies them.

26 21. Apple admits that it had discussions with Corephonics regarding potential business  
27 arrangements. Apple admits that it has independently developed and sold iPhones with two cameras.  
28 Apple denies that its independently developed iPhones with two cameras employ any Corephonics

1 intellectual property. Apple is without sufficient information to admit or deny the remaining  
2 allegations in paragraph 21 and therefore denies them.

3 **B. Apple's Alleged Interest in Corephotonics' Technology and Intellectual Property**

4 22. Apple admits that Apple personnel had discussions with Corephotonics personnel.  
5 Apple is without sufficient information to admit or deny the remaining allegations in paragraph 22 and  
6 therefore denies them.

7 23. Apple admits that Apple personnel attended meetings with Corephotonics personnel to  
8 discuss a potential business arrangement. Apple is without sufficient information to admit or deny the  
9 allegations in paragraph 23 and therefore denies them.

10 24. Apple admits that Apple personnel attended meetings with Corephotonics personnel to  
11 discuss a potential business arrangement. Apple is without sufficient information to admit or deny the  
12 allegations in paragraph 24 and therefore denies them.

13 25. Apple admits that Apple personnel attended meetings with Corephotonics personnel to  
14 discuss a potential business arrangement. Apple is without sufficient information to admit or deny the  
15 allegations in paragraph 25 and therefore denies them.

16 26. Apple is without sufficient information to admit or deny the allegations in paragraph  
17 26 and therefore denies them.

18 27. Apple is without sufficient information to admit or deny the allegations in paragraph  
19 27 and therefore denies them.

20 28. Apple admits that Apple personnel attended meetings with Corephotonics personnel to  
21 discuss a potential business arrangement. Apple is without sufficient information to admit or deny the  
22 allegations in paragraph 28 and therefore denies them.

23 29. Apple admits that Apple personnel attended meetings with Corephotonics personnel to  
24 discuss a potential business arrangement. Apple is without sufficient information to admit or deny the  
25 allegations in paragraph 29 and therefore denies them.

26 30. Apple is without sufficient information to admit or deny the allegations in paragraph  
27 30 and therefore denies them.

28 31. Apple is without sufficient information to admit or deny the allegations in paragraph

1 31 and therefore denies them.

2 32. Apple is without sufficient information to admit or deny the allegations in paragraph  
3 32 and therefore denies them.

4 33. Apple is without sufficient information to admit or deny the allegations in paragraph  
5 33 and therefore denies them.

6 34. Apple admits that it announced the iPhone 7 Plus on September 7, 2016. Apple admits  
7 that the iPhone 7 Plus included a dual camera configuration. Apple further admits that the iPhone 7  
8 Plus included a telephoto lens. Apple is without sufficient information to admit or deny the remaining  
9 allegations in paragraph 34 and therefore denies them.

10 35. Apple admits that Apple personnel attended meetings with Corephotonics personnel to  
11 discuss a potential business arrangement. Apple is without sufficient information to admit or deny the  
12 allegations in paragraph 35 and therefore denies them.

13 36. Apple is without sufficient information to admit or deny the allegations in paragraph  
14 36 and therefore denies them.

15 37. Apple admits that Corephotonics sent an email on or about October 31, 2017 alleging  
16 that the iPhone 7 Plus and iPhone 8 Plus allegedly infringed the '032, '712, '291 and '152 patents, but  
17 the email provided no information supporting Corephotonics' allegations. Apple admits that  
18 Corephotonics filed the original Complaint in this action on November 6, 2017. Except as expressly  
19 admitted, Apple denies the remaining allegations in paragraph 37.

20 38. Apple admits that its sought patent protection for its own inventions. Apple does not  
21 understand Corephotonics' allegation that "During this time, Corephotonics' patents and related patent  
22 applications were significant in the art," and therefore denies the allegation. Apple is without  
23 sufficient information to admit or deny the remaining allegations in paragraph 38 and therefore denies  
24 them.

25 39. Apple admits that it filed U.S. Patent Application No. 14/069,027 (the "'027  
26 application"). Apple admits that the '027 application later issued as U.S. Patent No. 9,223,118. Apple  
27 admits that an office action was issued dated February 18, 2015 rejecting the pending claims in the  
28 '027 application based on U.S. Pat. App. Pub. No. 2015/0029601A1 (the "Dror application"). Apple

1 admits that the Dror application claims priority to the same patent application as the '032 and '712  
2 patents. Apple admits that it responded to the February 18, 2015 office action on May 15, 2015 and  
3 addressed the rejection based on the Dror application. Apple admits that Romeo Mercado is a named  
4 inventor on the '027 application. Apple admits that Romeo Mercado was employed by Apple at the  
5 time of the introduction of the iPhone 7 Plus. Apple denies that Romeo Mercado is currently an  
6 employee of Apple. Apple is without sufficient information to admit or deny the remaining allegations  
7 in paragraph 39 and therefore denies them.

8 40. Apple admits that it filed a patent application, U.S. Patent App. No. 14/871,720 (the  
9 "'720 application") on September 30, 2015. Apple admits that the '720 application later issued as  
10 U.S. Patent No. 9,769,389. Apple admits that Scott Miller is a named inventor on the "'720  
11 application. Apple admits that Scott Miller is currently employed by Apple. Apple admits that the  
12 '291 patent was cited in an Information Disclosure Statement during prosecution of the '720  
13 application. Apple is without sufficient information to admit or deny the remaining allegations in  
14 paragraph 40 and therefore denies them.

15 41. Apple admits that an Information Disclosure Statement filed in the '720 application  
16 cited two Corephotonics patent applications. Except as expressly admitted, Apple denies the  
17 remaining allegations in paragraph 41.

18 42. Apple admits that the '291 patent was cited in a March 24, 2016 Information Disclosure  
19 Statement in U.S. Pat. Application No. 14/871,716 (the "'716 application") which later issued as U.S.  
20 Patent No. 9,774,787. Apple further admits that the '291 patent was cited in a February 12, 2016  
21 Information Disclosure Statement in U.S. Pat. Application No. 15/043,136 (the "'136 application")  
22 which later issued as U.S. Patent No. 9,781,345. Except as expressly admitted, Apple denies the  
23 remaining allegations in paragraph 42.

24 43. Apple admits that the Dror application was cited in an Information Disclosure  
25 Statement in the '720 application. Apple further admits that the Dror application was cited in an  
26 Information Disclosure Statement in the '716 application and the '136 application. Except as  
27 expressly admitted, Apple denies the remaining allegations in paragraph 43.

28 44. Apple admits that U.S. Patent App. Pub. No. 2015/0085174 was identified in a March

24, 2016 Information Disclosure Statement in the '720 application. Apple further admits that U.S. Patent App. Pub. No. 2015/0085174 was identified in a March 24, 2016 Information Disclosure Statement in the '716 application. Apple further admits that U.S. Patent App. Pub. No. 2016/0085174 was identified in a February 12, 2016 Information Disclosure Statement in the '135 application. Except as expressly admitted, Apple denies the remaining allegations in paragraph 44.

### **FIRST CAUSE OF ACTION**

#### **Alleged Infringement of Patent No. 9,402,032**

45. Apple incorporates its responses to the foregoing paragraphs as though fully set forth herein.

46. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 46.

47. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies that it infringes any valid claim of the '032 patent and therefore denies the allegations in paragraph 47.

48. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple denies that it has infringed or continues to infringe the '032 patent. Apple denies that any alleged infringement of the '032 patent has been or continues to be wanton, deliberate, egregious, and willful. In view of the lack of specificity in the remaining allegations in paragraph 48, Apple is without sufficient information to admit or deny the remaining allegations in paragraph 48 and therefore denies them.

49. This patent is no longer part of the case and has been found invalid. To the extent a response is still necessary, Apple responds as follows: Apple admits that Corephotonics sent Apple an email on or about October 31, 2017 identifying the '032 patent. Apple admits that Corephotonics filed the original Complaint on November 6, 2017, four business days after sending the October 31, 2017 email. In view of the lack of specificity in the remaining allegations in paragraph 49, Apple is without sufficient information to admit or deny the remaining allegations in paragraph 49 and therefore denies them.

50. This patent is no longer part of the case and has been found invalid. To the extent a



1 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 50.

2 51. This patent is no longer part of the case and has been found invalid. To the extent a  
3 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 51.

4 52. This patent is no longer part of the case and has been found invalid. To the extent a  
5 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 52.

6 53. This patent is no longer part of the case and has been found invalid. To the extent a  
7 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 53.

8 54. This patent is no longer part of the case and has been found invalid. To the extent a  
9 response is still necessary, Apple responds as follows: Apple admits that it publishes information about  
10 and provides instructions to end users about the telephoto lens zoom functionality in the iPhone 7 Plus  
11 and iPhone 8 Plus. Apple further admits that it discussed the benefits of the telephoto lens functionality  
12 in the iPhone 7 Plus in the video available at the following URL:  
13 [https://www.youtube.com/watch?v=NS0txu\\_Kzl8](https://www.youtube.com/watch?v=NS0txu_Kzl8). As of the date of this Answer, no video is  
14 available at the following URL: <https://www.youtube.com/watch?v=Q6dsRpVyyWs>; therefore,  
15 Apple is without sufficient information to admit or deny the allegation relating to this URL. Apple  
16 denies the remaining allegations in paragraph 54.

17 55. This patent is no longer part of the case and has been found invalid. To the extent a  
18 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 55.

19 56. This patent is no longer part of the case and has been found invalid. To the extent a  
20 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 56.

21 57. This patent is no longer part of the case and has been found invalid. To the extent a  
22 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 57.

## 23 24 **SECOND CAUSE OF ACTION**

### 25 **Alleged Infringement of Patent No. 9,568,712**

26 58. Apple incorporates its responses to the foregoing paragraphs as though fully set forth  
27 herein.

28 59. Apple denies the allegations in paragraph 59.

60. Apple denies that it infringes any valid claim of the '712 patent and therefore denies the allegations in paragraph 60.

61. Apple denies that it has infringed or continues to infringe the '712 patent. Apple denies that any alleged infringement of the '712 patent has been or continues to be wanton, deliberate, egregious, and willful. In view of the lack of specificity in the remaining allegations in paragraph 61, Apple is without sufficient information to admit or deny the remaining allegations in paragraph 61 and therefore denies them.

62. Apple admits that Corephotonics sent Apple an email on or about October 31, 2017 identifying the '712 patent. Apple admits that Corephotonics filed the original Complaint on November 6, 2017, four business days after sending the October 31, 2017 email. In view of the lack of specificity in the remaining allegations in paragraph 62, Apple is without sufficient information to admit or deny the remaining allegations in paragraph 62 and therefore denies them.

63. Apple denies the allegations in paragraph 63.

64. Apple denies the allegations in paragraph 64.

65. Apple denies the allegations in paragraph 65.

66. Apple denies the allegations in paragraph 66.

67. Apple admits that it publishes information about and provides instructions to end users about the telephoto lens zoom functionality in the iPhone 7 Plus and iPhone 8 Plus. Apple further admits that it discussed the benefits of the telephoto lens functionality in the iPhone 7 Plus in the video available at the following URL: [https://www.youtube.com/watch?v=NS0txu\\_Kzl8](https://www.youtube.com/watch?v=NS0txu_Kzl8). As of the date of this Answer, no video is available at the following URL: <https://www.youtube.com/watch?v=Q6dsRpVyyWs>; therefore, Apple is without sufficient information to admit or deny the allegation relating to this URL. Apple denies the remaining allegations in paragraph 67.

68. Apple denies the allegations in paragraph 68.

69. Apple denies the allegations in paragraph 69.

70. Apple denies the allegations in paragraph 70.

### THIRD CAUSE OF ACTION

**Alleged Infringement of Patent No. 9,185,291**

71. Apple incorporates its responses to the foregoing paragraphs as though fully set forth herein.

72. Apple denies the allegations in paragraph 72.

73. Apple denies that it infringes any valid claim of the '291 patent and therefore denies the allegations in paragraph 73.

74. Apple denies that it has infringed or continues to infringe the '291 patent. Apple denies that any alleged infringement of the '291 patent has been or continues to be wanton, deliberate, egregious, and willful. Apple admits that the '291 patent was cited during the prosecution of the patents that issued as U.S. Patent Nos. 9,774,787 and 9,781,345. In view of the lack of specificity in the remaining allegations in paragraph 74, Apple is without sufficient information to admit or deny the remaining allegations in paragraph 74 and therefore denies them.

75. Apple admits that the '291 patent was cited during the prosecution of the patents that issued as U.S. Patent Nos. 9,774,787 and 9,781,345. Apple admits that it publicly announced and began offering the iPhone 7 Plus after citing the '291 patent during prosecution of the patents that issued as U.S. Patent Nos. 9,774,787 and 9,781,345. Apple admits that Corephotonics sent Apple an email on or about October 31, 2017 identifying the '291 patent. Apple admits that Corephotonics filed the original Complaint on November 6, 2017, four business days after sending the October 31, 2017 email. In view of the lack of specificity in the remaining allegations in paragraph 75, Apple is without sufficient information to admit or deny the remaining allegations in paragraph 75 and therefore denies them.

76. Apple denies the allegations in paragraph 76.

77. Apple denies the allegations in paragraph 77.

78. Apple denies the allegations in paragraph 78.

79. Apple denies the allegations in paragraph 79.

80. Apple admits that it publishes information about and provides instructions to end users about the dual-aperture camera functionality in the iPhone 7 Plus. Apple further admits that it discussed the benefits of the dual-aperture camera functionality in the iPhone 7 Plus in the video

1 available at the following URL: [https://www.youtube.com/watch?v=NS0txu\\_Kzl8](https://www.youtube.com/watch?v=NS0txu_Kzl8). As of the date of  
 2 this Answer, no video is available at the following URL:  
 3 <https://www.youtube.com/watch?v=Q6dsRpVyyWs>; therefore, Apple is without sufficient  
 4 information to admit or deny the allegation relating to this URL. Apple denies the remaining  
 5 allegations in paragraph 80.

6 81. Apple denies the allegations in paragraph 81.

7 82. Apple denies the allegations in paragraph 82.

8 83. Apple denies the allegations in paragraph 83.

#### 9 10 **FOURTH CAUSE OF ACTION**

##### 11 **Alleged Infringement of Patent No. 9,538,152**

12 84. Apple incorporates its responses to the foregoing paragraphs as though fully set forth  
 13 herein.

14 85. This patent is no longer part of the case and has been found invalid. To the extent a  
 15 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 85.

16 86. This patent is no longer part of the case and has been found invalid. To the extent a  
 17 response is still necessary, Apple responds as follows: Apple denies that it infringes any valid claim  
 18 of the '152 patent and therefore denies the allegations in paragraph 86.

19 87. This patent is no longer part of the case and has been found invalid. To the extent a  
 20 response is still necessary, Apple responds as follows: Apple denies that it has infringed or continues  
 21 to infringe the '152 patent. Apple denies that any alleged infringement of the '152 patent has been or  
 22 continues to be wanton, deliberate, egregious, and willful. In view of the lack of specificity in the  
 23 remaining allegations in paragraph 87, Apple is without sufficient information to admit or deny the  
 24 remaining allegations in paragraph 87 and therefore denies them.

25 88. This patent is no longer part of the case and has been found invalid. To the extent a  
 26 response is still necessary, Apple responds as follows: Apple admits that Corephotonics sent Apple an  
 27 email on or about October 31, 2017 identifying the '152 patent. Apple admits that Corephotonics filed  
 28 the original Complaint on November 6, 2017, four business days after sending the October 30, 2017

1 email. In view of the lack of specificity in the remaining allegations in paragraph 88, Apple is without  
 2 sufficient information to admit or deny the remaining allegations in paragraph 88 and therefore denies  
 3 them.

4 89. This patent is no longer part of the case and has been found invalid. To the extent a  
 5 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 89.

6 90. This patent is no longer part of the case and has been found invalid. To the extent a  
 7 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 90.

8 91. This patent is no longer part of the case and has been found invalid. To the extent a  
 9 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 91.

10 92. This patent is no longer part of the case and has been found invalid. To the extent a  
 11 response is still necessary, Apple responds as follows: Apple admits that it publishes information about  
 12 and provides instructions to end users about the dual-aperture camera functionality in the iPhone 7  
 13 Plus. Apple further admits that it discussed the benefits of the dual-aperture camera functionality in  
 14 the iPhone 7 Plus in the video available at the following URL:  
 15 [https://www.youtube.com/watch?v=NS0txu\\_Kzl8](https://www.youtube.com/watch?v=NS0txu_Kzl8). As of the date of this Answer, no video is  
 16 available at the following URL: <https://www.youtube.com/watch?v=Q6dsRpVyyWs>; therefore,  
 17 Apple is without sufficient information to admit or deny the allegation relating to this URL. Apple  
 18 denies the remaining allegations in paragraph 92.

19 93. This patent is no longer part of the case and has been found invalid. To the extent a  
 20 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 93.

21 94. This patent is no longer part of the case and has been found invalid. To the extent a  
 22 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 94.

23 95. This patent is no longer part of the case and has been found invalid. To the extent a  
 24 response is still necessary, Apple responds as follows: Apple denies the allegations in paragraph 95.

### 25 **RESPONSE TO PRAYER FOR RELIEF**

26 Apple incorporates by reference all preceding paragraphs of this answer as if fully set forth  
 27 herein. Apple denies any and all allegations of patent infringement alleged in the Complaint. Apple  
 28 denies all allegations that Plaintiff is entitled to any relief requested in paragraphs “A” to “F” of the

Complaint's Prayer for relief, or any other relief.

### **AFFIRMATIVE DEFENSES**

Pursuant to Federal Rule of Civil Procedure 8(c), and without altering any applicable burdens of proof, Apple asserts the following defenses to the Complaint and reserves its right to assert additional defenses.

#### **FIRST DEFENSE – NON-INFRINGEMENT**

Apple does not infringe and has not infringed any asserted claim of the Asserted Patents. The accused Apple products do not satisfy the requirements of the asserted claims, and the asserted claims are invalid and therefore cannot be infringed. In addition, on information and belief, Apple cannot be found to infringe any asserted claim of the Asserted Patents after Corephotonics' acquisition by Samsung Electronics Benelux B.V. based [REDACTED]

#### **SECOND DEFENSE – INVALIDITY**

All asserted claims of the Asserted Patents are invalid for failure to satisfy the conditions of patentability in 35 U.S.C. §§ 101 et seq., including, but not limited to §§ 101, 102, 103, and/or 112.

#### **THIRD DEFENSE – EQUITABLE DEFENSES**

Corephotonics' claims are barred, in whole or in part, by estoppel, acquiescence, waiver, unclean hands, and/or other equitable defenses.

For example, on information and belief, Corephotonics is estopped from pursuing its claims for infringement of the Asserted Patents based on [REDACTED]

[REDACTED]

1 [REDACTED]  
 2 [REDACTED]  
 3 [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]  
 8 [REDACTED]  
 9 [REDACTED]  
 10 [REDACTED]  
 11 [REDACTED]  
 12 [REDACTED]  
 13 [REDACTED]  
 14 [REDACTED]  
 15 In 2019, Corephotonics was acquired by Samsung Electronics Benelux B.V. (“Samsung  
 16 Benelux”). On information and belief, Corephotonics and [REDACTED] are both controlled by or under  
 17 common control with Samsung Electronics Co., Ltd. (“SEC”) and/or the Samsung Group. For  
 18 example, SEC reports in its financial statements that it is the holder of 100% ownership in (1) Samsung  
 19 Benelux and (2) Corephotonics, where the percentage ownership “represents [SEC’s] ownership of  
 20 the voting rights in each entity, including subsidiaries’ ownerships.” See Samsung Electronics Co.,  
 21 Ltd. 2022 Business Report for the year ended December 31, 2022. Similarly, [REDACTED] identifies SEC  
 22 as a “related party” and a company “with significant influence” on [REDACTED]. See [REDACTED]  
 23 [REDACTED]  
 24 [REDACTED] SEC and [REDACTED] have also been identified as affiliates of the Samsung Group. A business  
 25 group, like the Samsung Group, is defined under applicable Korean law as “a group of companies the  
 26 business of which is substantially controlled by” the same person and/or company. See  
 27 [https://elaw.klri.re.kr/eng\\_mobile/viewer.do?hseq=41658&type=sogan&key=38](https://elaw.klri.re.kr/eng_mobile/viewer.do?hseq=41658&type=sogan&key=38).  
 28

Apple has performed all obligations under the underlying agreement [REDACTED]



1 [REDACTED]  
 2 [REDACTED]. Accordingly, as  
 3 of the date of Samsung Benelux's acquisition of Corephotonics, the Patents-in-Suit [REDACTED]  
 4 [REDACTED]  
 5 [REDACTED]  
 6 [REDACTED]  
 7 [REDACTED]" Apple is materially prejudiced by Corephotonics' continued assertion of the  
 8 Patents-in-Suit despite this [REDACTED].

9 On information and belief, Corephotonics' claims in this action are also barred by the doctrine  
 10 of unclean hands. Corephotonics has been aware of [REDACTED]  
 11 [REDACTED], yet Corephotonics has acted unfairly and/or fraudulently  
 12 regarding its claims of patent infringement in this action. Corephotonics has not only refused to  
 13 acknowledge its obligations to Apple, but Corephotonics and its related Samsung entities have also  
 14 improperly resisted Apple's discovery efforts to obtain information about Corephotonics' relationship  
 15 with SEC and other Samsung entities. Corephotonics' conduct directly relates to the claims being  
 16 asserted against Apple in that [REDACTED] would provide a complete defense.  
 17 Corephotonics' actions have injured Apple, at least because Apple has been forced to continue to  
 18 defend against Corephotonics' meritless claims.

#### 19 **FOURTH DEFENSE – NO WILLFULNESS**

20 Corephotonics is barred from obtaining a finding of willfulness or receiving enhanced damages  
 21 because it has failed to allege egregious conduct on the part of Apple, which is prerequisite for a  
 22 finding of willfulness and an award of enhanced damages.

#### 23 **FIFTH DEFENSE – LIMITATION ON DAMAGES**

24 Corephotonics' claims for costs and/or damages are barred, in whole or in part, by 35 U.S.C.  
 25 §§ 286, 287 and/or 288. On information and belief, Corephotonics' claims for costs and/or damages  
 26 are also limited by [REDACTED]  
 27 [REDACTED].

#### 28 **RESERVATION OF RIGHTS**



1 Apple hereby reserves the right to amend its Answer and reserves all defenses set out in Rule  
2 8(c) of the Federal Rules of Civil Procedure, the Patent Laws of the United States, and any other  
3 defenses, at law or in equity, which become applicable after the substantial completion of discovery  
4 or otherwise in the course of litigation.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Apple prays that this Court enter judgment:

7 A. In favor of Apple, and against Corephotonics, thereby dismissing Corephotonics'  
8 Complaint in its entirety, with prejudice, with Corephotonics taking nothing by way of its claims;

9 B. That Apple has not infringed, and is not now infringing any valid claim of the Asserted  
10 Patents, under any subsection of 35 U.S.C. § 271;

11 C. That all asserted claims of the Asserted Patents are invalid and/or unenforceable;

12 D. That this case stands out from others and as such is an exceptional case pursuant to 35  
13 U.S.C. § 285 and ordering Corephotonics to pay Apple's reasonable attorneys' fees incurred in this  
14 action;

15 E. That Corephotonics pay all costs incurred by Apple in this action; and awarding Apple all  
16 other relief that the Court deems just and proper.

17 **DEMAND FOR JURY TRIAL**

18 Apple respectfully requests a trial by jury on all issues so triable.  
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1 Dated: December 22, 2023

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**CERTIFICATE OF SERVICE**

The undersigned certifies that counsel of record who are deemed to have consented to electronic service are being served on December 22, 2023, with a copy of this document via the Court's CM/ECF system per Local Rules. Any other counsel will be served by electronic mail, facsimile, overnight delivery and/or first class mail on this date.

By: /s/ Heidi Keefe